

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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HEROD'S STONE DESIGN,

Plaintiff,

-against-

MEDITERRANEAN SHIPPING COMPANY
S.A. and BNSF RAILWAY COMPANY,

Defendants.
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USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 1/23/2020

18 CIVIL 5720 (AT)

JUDGMENT

It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Order dated January 22, 2020, and because the Court has personal jurisdiction over BNSF, BNSF's motion to dismiss under Rule 12(b)(2) is DENIED. But because the Sea Waybill expressly bars claims against subcontractors, BNSF's motion to dismiss under Rule 12(b)(6) is GRANTED. Because Plaintiff's claims are barred by the limitations period adopted in the Sea Waybill, MSC's motion for summary judgment is GRANTED; accordingly, the case is closed.

Dated: New York, New York
January 23, 2020

RUBY J. KRAJICK

BY:

Clerk of Court

Kmarago

Deputy Clerk